ORDINANCE NO. 83-6

AN ORDINANCE TO AMMEND ORDINANCE NO. 79-6; PROVIDING FOR A LIEN ON THE PROPERTY; PROVIDING A PENALTY THEREFOR, AND FOR OTHER PURPOSES.

NOWTHEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MULBERRY, ARKANSAS:

SECTION 1. That Sections 8 through 12 of Ordinance No. 79-6 shall be deleted and replaced with the following sections:

SECTION 8. If the City has any net costs in removal of any house, building or structure, the City shall have a lien on the property as provided by Section 1 of Act 8 of 1983. The lien may be enforced in either one of the following manners:

(a) The lien may be enforced at any time within eighteen (18) months after the work has been done, by action in the Chancery Court; or,

(b) The amount of the lien herein provided may be determined at a hearing before the governing body of the municipality held after thirty (30) days'written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such hearing in a newspaper having a bone fide circulation in the county wherein the said property is located for one (1) insertion per week for four (4) consecutive weeks; the determination of said governing body being subject to appeal by property owner in the Chancery Court; and the amount so determined at said hearing, plus ten percentum (10%) penalty for collection, shall be by the governing body of the municipality certified to the tax collector of the county wherein said municipality is located, and by him placed on the tax books as delinguent taxes, and collected accordingly, and the amount, less three percentum (3%) thereof, when so collected shall be paid to the municipality by the county tax collector.

SECTION 9. A fine of fifty dollars ($50.00) is hereby imposed against the owner or owners of any house, building and/or structure found and declared to be a nuisance by Resolution of the City Council thirty (30) days after the same has been so found and declared to be a nuisance and for each day thereafter separate and distinct offence; provided the notice as herein provided in Section 4 hereof has been by Resolution found and declared to be a nuisance.

SECTION 10. In the event it is deemed advisable by the City Council that a particular house, building and/or structure be judicialy declared to be a nuisance by a Court having jurisdiction of such matters the City Council is hereby authorized in the name of the City, and the only notice to be given to the owner or owners of any such house, building and / or structure

sought to be judicially declared to be a nuisance will be that as now provided for by law in such cases in a court of equity or Chancery Court. When any such house, building and/or structure has been declared judicially to be a nuisance by a Court of competent jurisdiction a fine of Fifty Dollars ($50.00) is hereby imposed against the owner or owners thereof from the date said finding is made by the Court and for each day thereafter said nuisance be not abated constitutes a separate and distinct offence punishable by a fine of Fifty Dollars ($50.00) for each separate and distinct offence. In the event the owner or owners of any such house building and/or structure judicially found to be a nuisance falls or refuses to abide by the orders of the Court, the Building Inspector or other person or persons referred to in Section 5 of this ordinance will take such action as provided in Section 6 hereof, and Section 7 of this ordinance will be applicable to such owner or owners. The provisions contained in the immediately preceding sentence apply independently of any action as may be taken by the Court judicially declaring the nuisance.

SECTION 11. If, for any reason, any portion of this ordinance be held to be invalid, such invalidity shall in no way affect the remaining portions thereof which are valid, but such valid portions shall be and remain in full force and effect.

SECTION 12. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 13. This ordinance being necessary for the immediate protection of the public health, peace and safety, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED THIS 7 OF JUNE, 1983.

APPROVED Arnold D. Feller

Arnold D. Feller, Mayor

ATTEST Michael Ray Roe

Michael R. Roe,
Recorder-Treasurer